

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

DANIEL A. HUMAN,)
Plaintiff,)
v.) No. 2:17-CV-0008 ERW
JAMES HURLEY, et al.,)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on remand from the Eighth Circuit Court of Appeals for the collection of appellate filing fees. Plaintiff sought leave to proceed in forma pauperis on appeal after filing his notice of appeal in this Court on April 9, 2018. [41, 42] The Court originally denied plaintiff's request to proceed in forma pauperis as moot, believing that plaintiff's in forma pauperis status from this Court would attach through his appellate proceedings. [43]

Now that the Eighth Circuit Court of Appeals has remanded the matter for the limited purpose of collection of the appellate filing fees, however, the Court will vacate its prior order denying plaintiff's request to proceed in forma pauperis on appeal and grant his request instead. *See* 28 U.S.C. § 1915. Because plaintiff has not provided the Court with a copy of his prison account statement, the Court will assess an initial partial filing fee of \$1.00. *See Henderson v. Norris*, 129 F.3d 481, 484 (8th Cir. 1997).

Accordingly,

IT IS HEREBY ORDERED that the Court's April 13, 2018 Memorandum and Order denying plaintiff's motion to proceed in forma pauperis on appeal [43] is **VACATED**.

IT IS FURTHER ORDERED that plaintiff's motion to proceed in forma pauperis on appeal [Doc. #42] is **GRANTED**.

IT IS FURTHER ORDERED that the plaintiff shall pay an initial filing fee of \$1.00 within thirty (30) days of the date of this Order. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for an appellate proceeding.

Dated this 14th day of June, 2018.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE